

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FIRESTAR DIAMOND, INC., *et al.*

Debtors.

Chapter 11

No. 18-10509 (SHL)

(Jointly Administered)

RICHARD LEVIN, Chapter 11 Trustee of
FIRESTAR DIAMOND, INC., FANTASY,
INC., and OLD AJ, INC. f/k/a A. JAFFE, INC.,

Plaintiff,

v.

NIRAV DEEPAK MODI, MIHIR BHANSALI,
and AJAY GANDHI,

Defendants.

Adv. Proc. No. 19-1102 (SHL)

**ORDER DENYING (I) DEFENDANTS' MOTIONS TO DISMISS FIRST AMENDED
COMPLAINT; AND (II) DEFENDANT MIHIR BHANSALI'S MOTION FOR RULE 11
SANCTIONS OR TO STRIKE CERTAIN PLEADINGS**

Before the Court are: (1) Defendant Ajay Gandhi's *Motion to Dismiss First Amended Adversary Complaint* (Adv. Dkt. 36); (2) Defendant Mihir Bhansali's *Motion to Dismiss First Amended Adversary Complaint* (Adv. Dkt. 38); (3) Defendant Nirav Deepak Modi's *Motion to Dismiss First Amended Complaint* (Adv. Dkt. 42); and (4) Defendant Mihir Bhansali's *Motion for Rule 11 Sanctions or to Strike Certain Pleadings* (Adv. Dkt. 59) (collectively, the "Motions").

The Court has jurisdiction over this adversary proceeding under 28 U.S.C. § 1334. This adversary proceeding is a core proceeding under 28 U.S.C. § 157(b)(2). The Court has reviewed the Motions and the briefs filed in support of and in opposition to the Motions, has held a hearing on the Motions on April 30, 2020, and has determined for the reasons set forth

in the *Memorandum of Decision* issued on October 15, 2021 (Adv. Dkt. 69) that the legal and factual bases set forth in the Motions do not establish just cause for the relief requested therein.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Each of the Motions is DENIED.
2. Defendant Nirav Deepak Modi's deadline to answer the Amended Complaint is 21 days after Plaintiff sends a copy of this Order by overnight mail to:

Nirav Deepak Modi
HMP Wandsworth
Heathfield Road
London SW18 3HU
United Kingdom

Once service of this Order is accomplished on Nirav Deepak Modi, Plaintiff shall file proof of such service on the docket within 5 business days of service.

3. Defendant Mihir Bhansali's and Defendant Ajay Gandhi's deadline to answer the Amended Complaint is governed by the *Stipulation and Order* (Adv. Dkt. 75) entered by the Court on November 29, 2021.

4. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

IT IS SO ORDERED.

Dated: New York New York
December 3, 2021

/s/ Sean H. Lane
UNITED STATES BANKRUPTCY JUDGE